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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,338	01/31/2002	Stephen B. Maguire	40526.10001	9344

7590 06-07/2004

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EXAMINER

SORKIN, DAVID L.

AIR UNIT

PAPER NUMBER

1723

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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604

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

David L. Sorkin
Examiner
Art Unit: 1723

Response to Amendment

1. An amendment was received by the USPTO 20 May 2004.
2. Applicant explains that the amendment is not intended as a response to the outstanding office action. Therefore, the period for reply to the previous office action still applies.
3. Applicant states: "This priority claim was included in the Combined Declaration and Power of Attorney dispatched to the U.S. Patent and Trademark Office of March 8, 2002". Assuming applicant is referring to the declaration having a certification of mailing dated 12 March 2002, received by the USPTO 20 March 2002, the declaration to which applicant refers contains no priority claim whatsoever. No other declaration is of record.
4. 37 CFR 1.78(a)(5)(ii) states "...this reference must also be submitted within the later of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed provisional application...". It appears applicant has not complied with this rule.
5. Applicant must
 - a. delete the claim for priority from the specification,
 - b. explain how applicant has complied with 37 CFR(a)(5)(ii), or
 - c. file a petition as set forth 37 1.78(a)(6), if applicable (that is, if the entire delay in filing the claim was unintentional).
6. Applicant must respond to the previous office action in the time period previously set forth.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Sorkin whose telephone number is 571-272-1148. The examiner can normally be reached on 9:00 -5:30 Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Sorkin

David L. Sorkin
Examiner
Art Unit 1723